

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing amendment, Claims 1-19 are pending in the present application. Claims 1, 3-7, 9-15, and 17-19 are amended without introduction of any new matter, and Claims 2, 8, and 16 are canceled without prejudice or disclaimer by the present amendment.

In the outstanding Office Action, Claims 7-8 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,887,254 to Halonen; Claims 1, 3-6, 15, and 17 were rejected under 35 U.S.C. 103(a) as unpatentable over Applicants' Background Art (hereinafter "ABA") in view of U.S. Patent No. 6,434,484 to Lee; Claims 2, 12-14, 16, and 18-19 were rejected under § 103(a) as unpatentable over ABA and in view of Lee and further in view of Halonen; Claims 9-11 were rejected under § 103(a) as unpatentable over Halonen.

Applicants' representatives thank Examiner Nguyen for granting the interview conducted on May 25, 2004. During the interview, differences between the claimed invention and the applied references were discussed. The present response sets forth claim amendments to Claims 1 and 7 discussed during the interview, and Examiner Nguyen agreed that these amendments distinguish independent Claims 1 and 7 over the applied references.

However, as Applicants have since determined dependent Claim 3 to include additional subject matter, the present amendment does not cancel dependent Claim 3 (or similar claims corresponding to the remaining independent claims).

Addressing now the rejection of all claims, summarized above, those rejections are respectfully traversed.

Amended Claim 1 is directed to mobile communication device, including:

a memory configured to store code and data;

a display; and

a transceiver,

wherein the mobile communication device displays a new message when the mobile communication device is powered on and while the mobile communication device is refreshing the memory,

the new message is responsive to a user input, and

the mobile communication device periodically, at least once per a predetermined period, receives an automated download of the new message through the transceiver.

Amended independent Claims 7, 12, 15, and 18 similarly recite that the new message is displayed when the mobile communication device is powered on and refreshing memory, that the new message is responsive to user input, and that an automated download of the new message occurs periodically, at least once per a predetermined period. Support for the amendments of independent Claims 1, 7, 12, 15, and 18 may be found at least in the claims as originally presented.

By way of background, mobile communication devices typically display a server provider's logo while refreshing a device's memory, which adds little value to the user.¹ The present invention is provided, in part, in view of this deficiency.

For example, the present invention provides renewable content, such as a horoscope, to be displayed while refreshing memory.² The renewable content, which may be tailored to individual preferences of the user, can be automatically downloaded on a periodic basis.³

The outstanding Office Action cites a combination of ABA, Halonen, and Lee as teaching the features of Claims 1-3, as originally presented, which are now incorporated into

¹ Specification, para. 3.

² Specification, para. 18.

³ Specification, para. 24.

amended Claim 1 by the present amendment. More particularly, the Office Action cites Halonen as teaching the feature of periodically receiving automated downloads.⁴

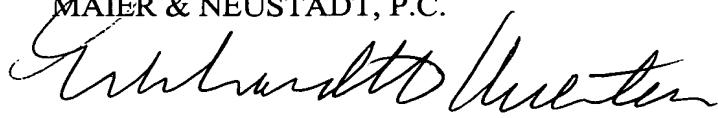
However, as discussed during the above-noted interview, Halonen only teaches the downloading of a new operating program over a period, *i.e.*, duration, of days or weeks.⁵ Even assuming, *arguendo*, Halonen is inherently teaching a plurality of downloads over such a duration, that is not to say that Halonen is teaching the “periodic” download of content, as claimed by Applicants.

Accordingly, for the reasons stated above, Applicants respectfully request that the rejection of all claims, summarized above, be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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⁴ Office Action, 4/27/2004, page 6.

⁵ Halonen, col. 6, lines 18-21.